

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

CHRISTOPHER RUSH,

Plaintiff,

v.

Civil Action No. 2:20-cv-00636

AN UNKNOWN NUMBER OF UNKNOWN NAMED STAFF;
and PRIMECARE MEDICAL, INC.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's initial complaint (ECF No. 1), which was previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). The magistrate judge filed his PF&R on June 7, 2023 (ECF No. 11), to which no party filed objections.

In his PF&R, the magistrate judge recommended that this court: find that the plaintiff has failed to prosecute this civil action meriting dismissal pursuant to Fed. R. Civ. P. 41(b) and L.R. Civ. P. 41.1.

The court need not review, under a de novo or any other standard, the factual or legal conclusions of the

magistrate judge as to those portions of the findings and recommendations to which no objection has been addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b) (1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."") (emphasis added). Failure to timely file objections constitutes a waiver of de novo review and the plaintiff's right to appeal the order of the court. See 28 U.S.C. § 636(b) (1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties typically may not "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Objections in this case having been due on June 26, 2023, and none having been filed, this matter may be duly adjudicated.

Accordingly, it is ORDERED that: the proposed findings made in the magistrate judge's Proposed Findings and Recommendation be, and hereby are, adopted by the court and incorporated herein; and this civil action be, and hereby is, dismissed from the docket of this court for failure to prosecute this civil action.

The Clerk is directed to forward copies of this written opinion and order to all counsel of record, any unrepresented parties, and the United States Magistrate Judge.

ENTER: June 28, 2023



John T. Copenhaver, Jr.
Senior United States District Judge